

Description	County Planning Board December 8, 2009		
Date	12/08/2009	Location	County Planning Board
Time	Speaker	Note	
6:00:02 PM	President Kerry White	Call to Order. Members Present: Kerry White, Marianne Jackson Amsden, C.B. Dormire, Donald Seifert, Mike McKenna, Doug Espelien, Susan Riggs and Patti Davis. Members Absent and unexcused: Byron Anderson and Julien Morice. Staff Present: County Planners Randy Johnson and Christopher Scott and Recording Secretary Glenda Howze	
6:00:08 PM	President Kerry White	Public comment. There was no public comment on matters not on the agenda.	
6:00:28 PM	President Kerry White	Approval of November 24, 2009 Minutes.	
6:00:44 PM		The minutes stand approved as presented.	
6:00:49 PM	President Kerry White	Planning Department Update.	
6:00:53 PM	Randy Johnson, County Planner	We have a first draft of the amendments to the subdivision regulations ready. These amendments are based on HB 486. Questioned whether these amendments need to go to the subcommittee or the whole Planning board since they are in response to the mandates from the legislature. [The subcommittee should look at those first and then bring them to the whole Board.] Sean is also working on updates to the Flood Plain regulations as well and they can both be brought to the Board at the next meeting. The Planning Department is having a process lunch on the 16th at the Fairgrounds, building number four (12-1). Topics of discussion will be the pending updates to the subdivision regulations (HB 486), the new draft FEMA floodplain maps and updates on the gravel pit matter. The lunch will be sponsored by Joby Sabol.	
6:03:13 PM		Questions and discussion regarding the floodplain maps. Hard copies of the maps are available in the Planning Department and are also available on-line on the County's website.	
6:06:08 PM	Randy Johnson,	I've been working on the fire regulations with Commissioner White. I made another revision recently at his request which is sitting on his	

	County Planner	desk now for review.
6:06:30 PM	Christopher Scott, County Planner	Transportation Amendments: I'm awaiting comments from the County Attorney's Office on the draft that Greg Sullivan produced addressing some of the issues that the County Attorney had at that time. When we get those comments back we'll be looking at the subdivision subcommittee to review those at that point. They are in the works and should be coming shortly.
6:07:20 PM	President Kerry White	Questioned where the WUI (Wildland Urban Interface) is in the process.
6:07:41 PM	Randy Johnson, County Planner	It makes reference to the officially adopted WUI maps, as the official jurisdiction. Stated that he is not sure about the County's role in the adoption process since it is a state mandate through the DNRC. The DNRC adopts the official wildfire map but the question may be whether the County has to adhere to that or not. In a way we do but we can through the design of the subdivision make sure there is adequate ingress, egress, and possible fire breaks. Once the subdivision is actually platted, however, all we can rely on is that the homeowner's association follows any recorded fire protection plan in cooperation with the fire district. There is very little the County can do to enforce what a homeowner does with their house other than tell them that they have to follow these rules. We have no enforcement tools. We can enforce anything physically on the ground through preliminary plat but once they get final plat we no longer have that ability. Fire districts can adopt a permitting, building standard regulation. Through the subdivision review process one of our requirements we have is that you either annex into a fire district, contract for service or form your own. If someone is building on an existing parcel out in the WUI it is totally up to that fire district to work with the property owner on fire mitigation. One advantage of a permit review process they would be able to look at those properties that don't come before the County for some type of review.
6:11:40 PM	President Kerry White	Regular Agenda. a. Public Hearing and Recommendation on a Conditional Use Permit for an Accessory building, the principal use of which is the pursuit of non-agricultural home occupations and hobbies within the Middle Cottonwood Zoning District for Charles and Nancy Gensemer.
6:11:59 PM	Christopher Scott, County Planner	Presentation and entering of staff report into the record.

6:16:04 PM		Questions and discussion between staff and Board regarding application including notice requirements and adjacent property uses and buildings.
6:19:06 PM	Charles Gensemer, Applicant	Explanation that the property to the east doesn't have a residence on it.
6:19:33 PM	C.B. Dormire	Noted to the application that the Planning Board can't authorize the granting of the conditional use permit anything that the district regulation doesn't permit to be done with a conditional use permit. I'm happy to vote for this but want the record to state that we aren't allowing you to do something that the regulation doesn't allow. Would you be willing to agree that the building height won't exceed 26.5 feet? [Yes, that is what the blue prints are drawn up as.]
6:21:35 PM	Public comment	There was no public comment on this application.
6:21:52 PM		Board discussion.
6:21:59 PM	Mike McKenna	I would make a motion to recommend approval of the conditional use permit finding that the principle use is going to be pursuit of a non-agricultural home occupations and hobbies and that it conforms to the requirements of the Middle Cottonwood Zoning Regulation and also suggest that we adopt the three staff suggested actions and also the twenty-six and a half foot building height requirement.
6:22:32 PM	C.B. Dormire	Second
6:22:36 PM		Board Discussion
6:22:41 PM	Don Seifert	Inquired about the 26 foot height requirement.
6:22:55 PM	C.B. Dormire	We never know who is seeing what in these applications. It is conceivable that some of the neighbors didn't object because they are happy that there is a building height in it. The regulations set a maximum height for certain kinds of structures but it isn't 100 that it applies to accessory structures.
6:23:42 PM	Mike McKenna	Under the Middle Cottonwood Zoning Regulation page 11, item 7.10, dwelling height: "The maximum single family dwelling height in the AR zone shall 35 feet, exclusive of any chimney."
6:24:10 PM	President Kerry White	Your point is that the regulation states 35 feet for the dwelling unit, this is not a dwelling unit so there is no real height restriction. Seeing how the applicant has agreed to a 26.5 feet maximum height that he would adhere to that within the CUP or he'd be out of compliance.
6:24:34 PM	C.B. Dormire	Otherwise anyone that didn't object might have reason to complain that they had based their objection on the way the application is

		written and we are charged to conclude that what is happening doesn't adversely affect the surrounding properties so this is a protection for us and for the applicant.
6:24:59 PM	Marianne Jackson Amsden	I have a general question, along those lines, why don't we have a condition that the building substantially comply with the building drawings that are submitted with this application? I'm very comfortable approving something that I've got drawings for, that I can see the treatment on the outside of the building, etc. But if we give them a CUP and they can build just about anything they want, is that how that works?
6:25:36 PM	President Kerry White	The county does not have building codes nor enforce them nor have a building inspection program. So a CUP would have the 26.5 foot limit within the CUP but as for building design and so forth, it is specified in here the square footage but we don't have building permits. We have land use permits which they will be required to obtain a land use permit which will have them comply with setbacks, etc., that is the reason for not having an inspection process.
6:26:20 PM		Vote: All voted aye. Motion carried unanimously.
6:26:36 PM	Don Seifert	Findings: I find that the use conforms to the objectives of the development plan (the Gallatin County Growth Policy) and the intent of this regulation. Also find that such use will not adversely affect nearby properties or their occupants. That the use meets density, coverage, yard and other regulations of the District in which it is to be located, and the public hearing has been held and the legal notice given and the public has been given a chance to respond.
6:27:23 PM	Marianne Jackson Amsden	Finding that to my knowledge there were no submittals to the Planning Department finding a problem with this conditional use permit. I'd also adopt the findings in the staff report as they clearly explained why all the standards were met.
6:28:07 PM		This application will be heard by the County Commissioners on December 22nd.
6:28:12 PM	President Kerry White	Other business.
6:28:20 PM	Don Seifert	The Gravel Pit Task Force had our rolling out of our plan in front of the Commission today. It was noticed as a decision but the Commission decided not to decide today. There were some legal issues that Marty brought up that he needs to respond to, the Commission wants to take a longer time to look at the regulation and work their way through the regulation. They have also expressed an interest in something other than county-wide zoning which is what the Task Force recommended. The County Commission would like

		to look at this and see if there are other boundaries that they'd like to consider other than county-wide. The clock is ticking on the interim regulations. Interim zoning runs out on May 7th. By the time they do the notification, protest period and other things, there needs to be something in the works by sometime in February. So, it is still a work in progress but is sitting on the Commissions' desk at this point.
6:30:08 PM	Marianne Jackson Amsden	Asked if the Commission had any basic comments on the plan, did they like it or...?
6:30:13 PM	Don Seifert	The liked what we did. There were numerous public comments, generally most in support of what we'd done. The most notable comment not in support came from the industry, the Montana Contractor's Association and a couple attorney letters.
6:30:54 PM	Glenda Howze, Recording Secretary	Noted that if members are going to be absent from Planning Board meetings that they please contact the Planning Department directly so that they can ensure a quorum and a record can be kept of expected absences. Also there will not be a meeting on December 22nd.
6:31:30 PM	Don Seifert	Thanked Pat for the pizza!
6:31:43 PM	C.B. Dormire	Gallatin County Water Quality District is currently hoping to have a complete final draft available for final verification of facts, peer review and review by the Wastewater and water subcommittee before Christmas. This is not the first time that there has been a plan to have such a thing but it is the latest. They are making progress, finding discrepancies between County and State record keeping that are now being corrected, of benefit to everyone. A status report on the engineering study for wastewater is going to be on Monday December 14th at 4:00 PM.
6:34:55 PM		Meeting adjourned.